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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Joint written statement*/submitted by Europe-Third World Centre, a non-governmental organization in general consultative status, and Women in Law and Development in Africa, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 March 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

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The "African Growth and Opportunity Act" and Human Rights[1]

The *Europe-Third World Centre* (CETIM) and *Women in Law and Development in Africa* (WILDAF) draw the attention of the 57th Session of the Human Rights Commission on the nature and the drastic consequences for Africa brought on by the African Growth and Opportunity Act voted by the US Congress on the 18th May, 2000.[2]

Known as the *African Growth and Opportunity Act (AGOA)*[3], this law establishes up to 2008- a trade regime defining economic and commercial relations between the United States and 48 African countries (with the exception of the Magreb). This law is presented as heralding a brighter future for the « beneficiaries ». Under closer examination, this is not the case.

In reality, an analysis of the conditions imposed by the United States to "encourage increased trade and investment" reveals the sinister intentions of the American authorities and their design to dominate the world. This stands out upon analysis of the list of African countries chosen to be part of this trade regime, the conditions imposed on them, and a detailed examination of the consequences of this law on for one of them, the Republic of Mauritius.

The African countries "targetted"

In the introduction of the AGOA text explaining the reasons for this law, one of the principal arguments is that "Sub-saharan Africa" is "*a region richly endowed with both natural and human resources ... of enormous potential and of enduring political significance to the United States*". Nothing could be clearer: it is the political interests of the USA that are at the basis of the adoption of such a law. Nowhere in this law is it explained why these African countries that are so "richly endowed with both natural and human resources" have not been able to realise their full economic potential. The law simply states that trade and investment contributes to development and establishes a relationship between economic development and political freedom.

Even though AGOA establishes a trade framework between the USA and most African countries, it is not the result of multilateral negotiation, but is unilaterally imposed, even extra-territorialy imposed by the USA. Furthermore, it is solely the President (of the United States) who decides which African countries will be the "beneficiaries" of AGOA and which will not. The domination of the United States is therefore clear; there is neither justice, nor equality or any possible recourse in this relationship. The AGOA is a new form of colonisation in which the United States attempts to appropriate the wealth of African countries while the vast majority of their citizens are ignorant of the consequences this Act has for them.

Conditions imposed

The chosen "beneficiary" countries need to submit to the following conditions:

- Adoption of a market-based economy;
- Reduction of tariff and non tariff barriers and other obstacles;
- Establishing "free" trade zones;
- Withdrawing State subsidies;

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[1] This text has been drafted in collaboration with LALIT.

[2] In a written declaration submitted to the 56th session of the Human Rights Commission, the CETIM had already criticised this law when it was still a Bill (cf. E/CN.4/2000/NGO/99).

[3] Given the number of times this law was proposed, blocked, re-proposed in the US House of Representatives and the Senate, it has changed names many times : *Africa Bill, Africa Growth and Opportunity Bill, l'Africa Act, Trade and Tariff Act*. The voted version is officially known as the *African Growth and Opportunity Act* and is also known by the initials : AGOA.

- Dismantling government price control;
- Equal treatment for foreign and national investors;
- Non-engagement in activities that "*undermine United States national security or foreign policy interests*".

It is the President of the USA who designates a Sub-Saharan African country as an "*eliglible*" African country or whether an African country's designation as "eligible" country should be "*terminated*".

There are three conditions relating to the respect of human rights i.e.: the rule of law, poverty reduction and the respect of political freedom. Even if these conditions may appear noble at first sight, African organisations and movements are concerned that the USA will use these conditions as threats against States that attempt to defend their respective economic and political interests.

What do AGOA conditions mean?

AGOA aims at entrenching a market-based throughout Africa. A market-based economy means that the whole economy operates on a capitalist basis including water, electricity, telecommunications and other social services. This means that governments have to sell-off all public property through privatisation and accept the consequences: massive retrenchment of workers, attacking security of employment and work conditions and increasing poverty.

The suppression of State subsidies and price control means attacking national agriculture and local production in African countries as these countries do not have the means to compete with products of North American transnationals. This will further undermine food security and sovereignty of these countries in which living conditions are already difficult.

Similarly, equal treatment given to foreign investors as for national investors means to submit these countries to Transnational rule, putting an end to hopes of economic and political independence.

The acceptance of AGOA finally means that African countries are coerced into meekly opening up their markets to North American Transnationals without question and without the power to control them. If the USA is not satisfied that countries are respecting eligibility conditions, the USA will be able to close their markets to African goods. However, there is no reciprocity in this trade regime: African goods will continue to be submitted to harsh conditions to be able to enter the American market. In short, the acceptance of AGOA means that African countries must renounce not only their economic sovereignty, but also their political sovereignty and means total capitulation to the USA as, amongst other conditions, these countries must pledge not to "*undermine United States national security or foreign policy interests*".

In this context, it must be stressed that the USA is perpetually calling for the globalisation of the "free-market". They proclaim the need to open up trade barriers. When it comes to opening up their own trade barriers, they are no longer disposed to talk of the need for a "free-market". Should we then consider that when the USA invokes "fundamental freedom", they are in fact talking of freedom for their Transnational companies?

AGOA's impact on the Republic of Mauritius

There are certain conditions specified in AGOA that threaten employment in Mauritius and work conditions in the region:

1) All the yarn used in textile products assembled and cut in Mauritius have to come from the United States or from the 48 African States listed in AGOA. The only exception to this is in the case of particularly poor African countries (with less than $1,500 per capita).[4].

2) Mauritian Free Zone companies are preparing themselves to close down their factories in Mauritius and delocalise them; opening them up in African countries (Mozambique or Madagascar) where cotton or wool is produced and/or where eligibility conditions are less stringent given widespread poverty.

3) In Mauritius, the biggest and oldest textile plant, has started to sack workers and has delocalised nearly 40% of its operations to Madagascar. Other Mauritius textile factories are preparing to delocalise entailing massive sacking of workers. The jobs of 100,000 Mauritian workers in the Free Zone is threatened. For some time, Mauritian employers wanted to delocalise their operations to countries where labour is cheaper. They have now been provided with an excellent pretext to do so. Unfortunately, it is expected that this delocalisation will have a negative impact on the peoples of the region.

4) Work conditions of Mauritian workers are deplorable, especially in the Free Zone which is mostly textile-based. The delocalisation of the textile Free Zone to other African countries means that they will now be based in countries where work conditions and salaries are even worse than in Mauritius.

Different reactions to AGOA

Since AGOA was first proposed, different views have been expressed by various sections of the economic and political community in Africa.

Mauritian employers, particularly those of *Floreal Knitwear* textile company, have been in the forefront of the pro-Africa Bill lobbying of US Representatives and Senators so that they vote the Bill. *Floreal Knitwear* has spent large sums of money in this campaign and delegated one of its top representatives, Mr. Maurice Vigier de Latour to the US to lead their campaign there. M. Peter Craig, political adviser, in charge of trade relations at the Mauritian Embassy in the USA, also played a key part in lobbying.

At international level, the Mauritian government has not only given its full support to Mr. Vigier de Latour et the private sector, but has also contributed to weaken African resistance (led by the Mandela government at the time) to conditions imposed within AGOA. This goes to show how democratically-elected representatives are being co-opted to defend private sector interests, scandalously ignoring the will of the peoples of Africa.

In the USA, textile companies have opposed AGOA because of the threat posed by free-entry of cheap African textiles to the American market to their pockets.

The trade union movement in the USA have also opposed AGOA given that this law threatens jobs in the States, especially in the textile sector. Many organisations and social movements mobilised against this law in the big demonstrations held in Seattle in 1999.

The *All Workers Conference*, a platform initiated by *Lalit* and trade union militants for a number of years, opposed conditions imposed by AGOA. The *All Workers Conference* transmitted a letter to all US Representatives of the House through the US trade union movement to explain how AGOA conditions would be disastrous for African peoples.

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[4] Madagascar will benefit from this exceptional measure but only up until 2004.

The African women's movement (WILDAF), on the initiative of the Mauritian women's movement (Muvman Liberasyon Fam), prepared a declaration endorsed by 218 women's organisations and women of all African regions. This declaration was transmitted to US Senators through American associations.

Other actions opposing Africa Bill conditions had also been undertaken by other African networks, particularly those in the ATTAC network.

All these actions boosted the US movement against AGOA and contributed to US Representatives of the House to present an alternative Bill called the " Hope for Africa Bill " where no conditions are imposed on African countries for African goods to enter the US market. All this was not sufficient to halt the adoption of AGOA. The campaign against AGOA must continue, as this law:

- Will bring about large-scale retrenchment of workers in many African countries and in others, create lower-paid jobs with inferior work conditions;
- Will facilitate or re-enforce the entry of North American Transnationals in Africa in a colonial way that will undermine the little independence gained in these States (in the 1960's);
- Will destroy the economy of African countries through massive privatisation;
- Will dismantle all subsidies to local production and taxes on imports;
- Will give North American Transnationals the same advantages than those endowed to local companies;
- Will coerce African countries into aligning their foreign policy onto that of the USA;
- Is in total contradiction with existing international law;
- Abuses rights of the two International Covenants on economic, social and cultural rights as well as those on civil and political rights, of African citizens

Given the above, CETIM and WILDAF recommend to the Human Rights Commission that an expert be nominated with a mandate to study whether AGOA conforms to the rules of human rights, keeping in mind:

- The respect for the principle of equal rights and self-determination of peoples (art. 1, para 2 of the United Nations Charter);
- The principle of sovereign equality of all States (art. 2, para 1 of the United Nations Charter);
- The principle in which "all peoples freely determine their political status and freely pursue their economic, social and cultural development." (art. 1. of Covenants on Civil and Political Rights and Economic, Social and Cultural Rights).